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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MARK ISKRA,

11 Plaintiff,

12 vs.

13 BANK OF AMERICA, N.A.,

14 Defendant.
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Case No. 2:12-cv-02054-MMD-CWH

ORDER

16 This matter was referred to the undersigned for consideration of Defendant's Motion to
17 Dismiss (#7), filed January 28, 2013. Plaintiff filed an amended complaint within 21 days after
18 Defendant's motion (#7) was served. Consequently, the motion is moot. *See* Fed. R. Civ. P.
19 15(a)(1)(B) (allowing a party to amend its pleading once as a matter of course within 21 days after
20 service of a motion under Rule 12(b)); *see also Dela Cruz v. HSBC Bank USA, N.A.*, 2013 WL
21 487008 (D. Nev.). Accordingly,

22 **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss (#7) is **denied as moot**.

23 DATED this 2nd day of April, 2013.

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27 **C.W. Hoffman, Jr.**
28 **United States Magistrate Judge**